

MISSISSIPPI SUPREME COURT

Adopted by Administrative Order on August 27, 2008.

Statement of Policy Regarding Openness and Availability of Public Records

1. Introduction

Access to public records in the judiciary is consistent with the Court's policy that the public interest is best served by open courts and by an independent judiciary consistent with the mandates of the Mississippi Constitution. The State of Mississippi has established a policy concerning access to public records, as set forth in the Mississippi Public Records Act. *Miss. Code Ann.* § 25-61-1. The judiciary of the State of Mississippi, as a separate and equal branch of the government, is not subject to the Mississippi Public Records Act.

While public records are made available as readily and conveniently as possible, not all records under the control of the Court are public records. This Statement of Policy is not intended to declare whether particular records are public, nor is it intended to include a comprehensive list of those records exempt from public access.

2. The Supreme Court and Court of Appeals

The Supreme Court and Court of Appeals speak through their rulings, orders, judgments and opinions which are routinely available to the public in the office of the Clerk of the Court, on-line at <http://www.mssc.state.ms.us>, and through commercially available publications. Such rulings, orders, judgments and opinions are based on the record from the trial court, briefs and other filings of the parties on matters before the Court which are maintained by the Clerk of the Court and available to the public as set out in paragraph 3, below. All information utilized in furtherance of the business of the Courts, including but not limited to, information used in the development of orders, judgments and opinions, is non-public and is exempt and excepted from disclosure.

3. Supreme Court Clerk's Office

Records, which are subject to inspection, are maintained by the Clerk of the Court and are open to the general public for inspection and copying during regular business hours: 8 a.m. to 5 p.m., except for legal holidays. A record is a document, paper, letter, map, book, tape, photograph, film, recording or other material, regardless of electronic or physical form, characteristics or means of transmission.

This policy does not require the Clerk to retain a record for a specific period of time or to allow the inspection of or provide a copy of information contained in a book or

publication that is commercially or otherwise available to the public.

Copy work is subject to the following fees:

Order from Minute Book	\$5.00
Regular copying	.50/page
Copying from bound volumes or records	\$2.00/page
Copy of mandate	\$3.00

Requests are filled upon receipt of payment. The Clerk's telephone number is 601-359-3694. The mailing address is Post Office Box 249, Jackson, MS 39205-0249. Information may also be available on-line at <http://www.mssc.state.ms.us>.

Excepted from this policy are records declared closed to the public by court order and any documents filed under seal, pursuant to Rule 48A of the Mississippi Rules of Appellate Procedure, and any record that is confidential or exempt from disclosure under state or federal law.

4. Administrative Office of Courts

Statistics collected by the Administrative Office of Courts (AOC) are incorporated in the Supreme Court Annual Report. The report is available on-line at <http://www.mssc.state.ms.us>. Customized requests are subject to the AOC's staff availability and resources. Information requests and copy work are subject to fees and are done on an as-time-permits basis. A record shall be provided in the format requested if the AOC maintains the record in that format. This policy does not require the AOC to create a record, other than to print information already stored in its computer. A records custodian may deny a record request that would substantially and unreasonably impede the routine operation of the court or judicial agency. The AOC also provides a subscriber service for criminal background checks, civil filings and statistical information. Customized search requests may be made, in writing, to the Administrative Office of Courts, Post Office Box 117, Jackson, MS 39205-0117. For information on the subscriber service, please call 601- 576-4635.

5. State Library

The State Library fills requests for court decisions, rules, regulations and statutes. The library is open to the public weekdays from 8:00 until 5:00. Two photocopiers are available, and charges are 15 cents per page for copies made by library users, and 30 cents per page for copies made by staff. Requests are filled upon receipt of payment. The State Library's telephone number is 601-359-3672. The mailing address is Post Office Box 1040, Jackson,

MS 39215.

6. Mississippi Department of Finance and Administration

The Department of Finance and Administration (DFA) maintains financial and administrative records of the Court. All record requests should be submitted in writing to the Public Information Officer, Department of Finance & Administration, 501 North West Street Jackson, MS 39201. Requests may be mailed, hand delivered, transmitted via facsimile at (601) 359-3402, or via email at publicinformation@dfa.state.ms.us. For more information, visit the DFA website: <http://www.dfa.state.ms.us/publicinfopolicy.pdf>

7. Record Requests

The response will be made not more than 14 days after the actual receipt of a written request and payment of applicable charges. The time for inspection or delivery of copies will be as soon as practicable. All record requests must comply with the specific directions set out for each subdivision of the courts and judicial agencies, and payment of all applicable charges must be received before the time for response begins to run.

8. Denial of Access and Appeal.

A records custodian may deny a record request that would substantially and unreasonably impede the routine operation of the court or judicial agency. By way of illustration, the records custodian may decline a request for “all judicial records” or other such requests that could substantially and unreasonably impede the operations of a court or judicial agency.

A records custodian may also deny a written request for a record if the custodian reasonably determines that the requested record is exempt from required disclosure under this policy. The records custodian may make specific, non-conclusory findings that compliance with the request would substantially and unreasonably impede the routine operation of the court or judicial agency.

Other records exempt from disclosure include, but are not limited to: records concerning security plans, procedures or locations of offices; personnel or any other information reflecting a person’s home address, home or personal telephone number, social security number or family members.

A records custodian who denies a written record request must notify the person requesting the record of the denial within a reasonable time— not to exceed 14 days —after written notice of the request and receipt of payment for applicable charges. A notice of denial must state the reason for the denial. A person who is denied access to a record may appeal within 14 days of the date of notice of denial by filing a written request for review with the Supreme Court Administrator, Post Office Box 117, Jackson, MS 39205-0117.